

RECEIVED
OCT 24 2003
105
TECH CENTER 1600/2000
102

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James U. Morrison Examiner: White, Everett

Application No.: 09/829,707 Group Art: 1623

Filing Date: April 10, 2001 Docket No.: 26017-3 (old)
26017-6 (new)

Title: METHOD AND COMPOSITION FOR CONTROLLED RELEASE ACARBOSE FORMULATIONS

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF
PATENT APPEALS AND INTERFERENCES

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated August 7, 2003 finally rejecting all pending claims.

The items checked below are appropriate:

1. <input checked="" type="checkbox"/>	Appeal Fee, Small Entity	\$165.00
2. <input type="checkbox"/>	Appeal Fee, Other Than Small Entity	\$330.00
3. <input type="checkbox"/>	An Extension of Time is Being Filed	

Concurrently with this Notice of Appeal For:

One-Month
 Two-Month
 Three Month

10/22/2003 TLU11 0000026 09829707

01 FC:2401

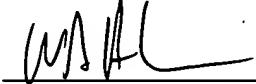
165.00 0P

4. (X) An Extension of Time is not believed to be due for the reasons stated below, however, the Commissioner is authorized to charge any unpaid or required amounts not submitted herewith to Deposit Account 02-2051, specifically identifying Attorney Docket No. 26017-6.

Applicant received a Final Office Action dated August 7, 2003, wherein the Office set a three-month statutory period for reply. Therefore, this Notice of Appeal and Appeal Brief are timely filed.

Respectfully submitted,

Dated: October 15, 2003

By: 
W. Scott Harders
Reg. No. 42,629

BENESCH, FRIEDLANDER,
COPLAN & ARONOFF LLP
2300 BP Tower
200 Public Square
Cleveland, Ohio 44114-2378
(216) 363-4443